

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**MATTHEW QUINN MASON,**

Petitioner,

**v.**

**CIVIL ACTION NO. 3:11-CV-60  
CRIMINAL ACTION NO. 3:08-CR-30-02  
(BAILEY)**

**UNITED STATES OF AMERICA,**

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge James E. Seibert [Civ. Doc. 8; Crim. Doc. 175], filed December 5, 2011. In that filing, the magistrate judge recommends that this Court deny the petitioner’s 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence [Civ. Doc. 1; Crim. Doc. 153], filed July 22, 2011.

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); ***Snyder v.***

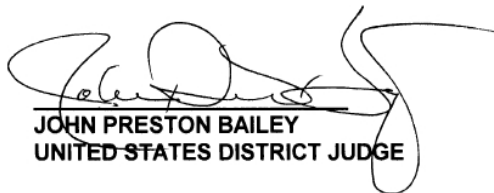
*Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R&R were due on December 27, 2011, pursuant to 28 U.S.C. § 636(b)(1). To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that the magistrate judge's Report and Recommendation [**Civ. Doc. 8; Crim. Doc. 175**] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. As such, this Court hereby **DENIES** the petitioner's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence [**Civ. Doc. 1; Crim. Doc. 153**]. In addition, the petitioner's Motion for Production of Records/Transcripts [**Crim. Doc. 154**] is hereby **DENIED AS MOOT**. Accordingly, this matter is **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

**DATED:** December 30, 2011.

  
JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE